IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

SUMMONS FOR JUDGMENT NO. 43 OF 2007
IN
SUMMARY SUIT NO. 2133 OF 2006

Mr. Anil G. Shah. ... Plaintiff.

V/s.

S. Panneer Selvarm Swamy & Anr. ... Defendants.
....

Mr. Ramesh Jain for the Plaintiff.
None for the Defendants.

CORAM : DR. D.Y.CHANDRACHUD,J.

26th March 2007.

P.C. :

. The suit is based on a demand bill of exchange drawn by the first Defendant on 5th August 2004 for valuable consideration, in the amount of Rs.80,000/- and accepted by the second Defendant. In paragraph 3 of the plaint it has been averred that upon presentation on 6th September 2004, the bill of exchange was dishonoured by the Defendants. A notice of demand was addressed on 10th June 2006 to which there was no reply.

2. On 6th March 2007, an adjournment of 2 weeks was granted to the Defendants to enable the

Defendant to file a reply, subject to the payment of costs of Rs.5,000/-. Counsel appearing on behalf of the Plaintiff states that the costs have not been paid as directed. No defence has been filed. Counsel appearing on behalf of the Defendant is absent.

3. The claim in the suit is founded on a demand bill of exchange (Exhibit 'A') drawn by the first Defendant and accepted by the second Defendant. The claim falls within the purview of Order 37 of the Code of Civil Procedure, 1908. There is no reply to the Summons for Judgement.

4. In these circumstances, in terms of the provisions of Rule 6(a) of Order 37 of the Code of Civil Procedure, 1908, a decree will have to be passed as against the Defendant as prayed.

5. The suit shall accordingly stand decreed as prayed, subject to the modification that the Plaintiff would be entitled to interest at the rate of 9% per annum from the date of the suit until payment or realisation.

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